



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,232	10/09/2001	Takahiro Kato	NAK1-BQ13	5268

21611 7590 11/01/2006

SNELL & WILMER LLP
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER

DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
----------	--------------

2621

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/973,232	Applicant(s) KATO, TAKAHIRO	
	Examiner Mishawn N. Dunn	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-15, 20-23 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 16-19, and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/16/2006 have been fully considered but they are not persuasive.
2. Applicant argues that a first transport stream that includes location information is disclosed or suggested by Hirayama et al.

In response the Examiner respectfully disagrees. Hirayama et al. teaches a storage medium (col. 3, lines 32-35) which is able to store multiple transport streams and their associated management tables. The location information is defined in the picture information field (PIF), which is recorded in the management information table (col. 7, lines 33-41). Therefore, Hirayama et al. discloses a transport stream that includes location information as recited in claims 1, 25, and 28.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yanagihara et al. teaches the data reproduction apparatus wherein each of the first and second transport streams includes data for a plurality of programs with being multiplexed, the location information further includes program ID information that identifies one of the plurality of

Art Unit: 2621

programs (col. 4, line s5-34), and the reproduction means sets, as the reference target, video data and/or audio data that belongs to the program identified by the program ID information and that is present at and following the second location, after switching the reference target (col. 6, lines 7-14; fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to use a program association table for storing location information, in order to allow the system to search and select all packets corresponding to the desired channels. This makes claims 3-6, 8, 10, and 12-15 unpatentable over Hirayama et al. in view of Yanagihara et al.

It is noted that the features upon which applicant relies (i.e., location information emedded in a transport stream) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 2, 20-23, 25, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirayama et al. (US Pat. No. 5,630,006).

Art Unit: 2621

5. Consider claim 1. Hirayama et al. teaches a data reproduction apparatus that reproduces data included in transport streams, comprising: a storage medium storing a first transport stream (col. 3, lines 32-35) that includes location information at a first location thereof, the location information identifying a second location that is on a time axis and that differs from the first location, the second location being included in the first transport stream or in a second transport stream (col. 7, lines 33-41; fig. 8B); and reproduction means for (a) reproducing video data and/or audio data included in a reference target in the first transport stream, while searching for the location information by shifting the reference target, and (b) switching the reference target to the second location identified by the location information, when the reference target in the first transport stream includes the location information (col. 11, lines 45-67; figs 12-14).
6. Consider claim 2. Hirayama et al. teaches the data reproduction apparatus wherein the storage medium stores the second transport stream that includes the second location, the location information further includes transport stream information that identifies the second transport stream that includes the second location (col. 7, lines 33-41; fig. 8B), and the reproduction means switches the reference target to the second location in the second transport stream identified by the transport stream information (col. 11, lines 45-67; figs 12-14).
7. Consider claim 20. Hirayama et al. teaches the data reproduction apparatus further comprising reception means for receiving an instruction from a user, wherein the reproduction means switches the reproduction target only when an instruction to switch

Art Unit: 2621

the reproduction target from the user is received by the reception means (col. 7, lines 43-46; figs. 4A-4C, 5A-5C, and 6).

8. Consider claim 21. Hirayama et al. teaches the data reproduction apparatus of claim 20, further comprising display means for displaying information for having the user input an instruction indicating whether to switch the reproduction target or not, when the reference target includes the location information (col. 7, lines 43-46; figs. 4A-4C, 5A-5C, and 6).

9. Consider claim 22. Hirayama et al. teaches the data reproduction apparatus, further comprising location information insertion means for inserting the location information into a transport stream to generate the first transport stream, wherein the location information included in the first transport stream has been inserted by the location information insertion means (col. 7, line 33 – col. 8, line 12).

10. Consider claim 23. The data reproduction apparatus, further comprising: second location obtaining means for obtaining the second location on the time axis; and location information generation means for generating the location information based on the second location obtained by the second location obtaining means, wherein the location information included in the first transport stream has been generated by the location information generation means (col. 7, line 33 – col. 8, line 12).

11. Apparatus and method claims 25, 26 and 28 are rejected for the same reasons as discussed in the corresponding apparatus claims above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-6, 8, 10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al. (US Pat. No. 5,630,006) in view of Yanagihara et al. (US Pat. No. 5,899,578).

14. Consider claim 3. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus wherein each of the first and second transport streams includes data for a plurality of programs with being multiplexed, the location information further includes program ID information that identifies one of the plurality of programs, and the reproduction means sets, as the reference target, video data and/or audio data that belongs to the program identified by the program ID information and that is present at and following the second location, after switching the reference target.

However, Yanagihara et al. discloses the data reproduction apparatus wherein each of the first and second transport streams includes data for a plurality of programs with being multiplexed, the location information further includes program ID information that identifies one of the plurality of programs (col. 4, line s5-34), and the reproduction means sets, as the reference target, video data and/or audio data that belongs to the

program identified by the program ID information and that is present at and following the second location, after switching the reference target (col. 6, lines 7-14; fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to include data for a plurality of programs with being multiplexed, the location information further includes program ID information that identifies one of the plurality of programs, and the reproduction means sets, as the reference target, video data and/or audio data that belongs to the program identified by the program ID information and that is present at and following the second location, after switching the reference target, in order to allow the system to search and select all packets corresponding to the desired channels.

15. Consider claim 4. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus, wherein each of the first and second transport streams is composed of a plurality of packets and includes a program map table for identifying data that constitutes each program included therein, and a program association table for identifying a packet that carries the program map table, and the location information is included in the program map table.

However, Yanagihara et al. discloses the first and second transport streams is composed of a plurality of packets and includes a program map table for identifying data that constitutes each program included therein, and a program association table for identifying a packet that carries the program map table, and the location information is included in the program map table (col. 4, lines 54-63).

16. Consider claim 5. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus, wherein the program map table that includes the location information identifies data for the program identified by the program ID information.

However, Yanagihara et al. discloses the program map table that includes the location information identifies data for the program identified by the program ID information (col. 4, lines 59-63).

17. Consider claim 6. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus, further comprising location information insertion means for (a) extracting a program map table for identifying the program identified by the program ID information from the second transport stream, b) adding the location information to the extracted program map table, to generate an insertion program map table, and (c) inserting the generated insertion program map table into a transport stream to generate the first transport stream, wherein the program map table including the location information included in the first transport stream is the insertion program map table that has been inserted by the location information insertion means.

However, Yanagihara et al. discloses location information insertion means for (a) extracting a program map table for identifying the program identified by the program ID information from the second transport stream (col. 4, lines 59-63), b) adding the location information to the extracted program map table, to generate an insertion program map table, and (c) inserting the generated insertion program map table into a transport stream to generate the first transport stream, wherein the program map table including

the location information included in the first transport stream is the insertion program map table that has been inserted by the location information insertion means(col. 5, lines 60-62; fig. 3).

18. Consider claim 8. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus, wherein the insertion program map table includes a program number of the program identified by the program ID information and a packet identifier for identifying a program map table corresponding to the program identified by the program ID information, and the location information insertion means further adds the program number and the packet identifier to a program association table present in a vicinity preceding a location at which the insertion program map table has been inserted.

However, Yanagihara et al. discloses the insertion program map tale includes a program number of the program identified by the program ID information and a packet identifier for identifying a program map table corresponding to the program identified by the program ID information, and the location information insertion means further adds the program number and the packet identifier to a program association table present in a vicinity preceding a location at which the insertion program map table has been inserted (col. 4, lines 59-63; fig. 3).

19. Consider claim 10. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus, wherein each of the first and second transport streams is composed of a plurality of packets and includes a program map table for identifying data that constitutes each program included therein, and a program

association table for identifying a packet that carries the program map table, and the location information is included in the program association table.

However, Yanagihara et al. discloses that each of the first and second transport streams is composed of a plurality of packets and includes a program map table for identifying data that constitutes each program included therein, and a program association table for identifying a packet that carries the program map table, and the location information is included in the program association table (col. 4, lines 54-58; fig. 3).

20. Consider claim 12. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus, wherein each of the first and second transport streams includes a packet that carries a program map table for identifying data that constitutes each program included therein, and a program association table for identifying the packet that carries the program map table, and the program ID information is a program number shown in the program association table and in the program map table.

However, Yanagihara et al. discloses each of the first and second transport streams includes a packet that carries a program map table for identifying data that constitutes each program included therein, and a program association table for identifying the packet that carries the program map table, and the program ID information is a program number shown in the program association table and in the program map table (col. 4, lines 54-63).

Art Unit: 2621

21. Consider claim 13. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus, further comprising location information insertion means for inserting the location information into a transport stream to generate the first transport stream, wherein the location information included in the first transport stream has been inserted by the location information insertion means.

However, Yanagihara et al. discloses location information insertion means for inserting the location information into a transport stream to generate the first transport stream, wherein the location information included in the first transport stream has been inserted by the location information insertion means (col. 4, lines 5-34).

22. Consider claim 14. Hirayama et al. teaches the data reproduction apparatus further comprising insertion location obtaining means for obtaining the first location and notifying the location information insertion means of the obtained first location (col. 7, line 33 – col. 8, line 12).

23. Consider claim 15. The data reproduction apparatus of claim 13, further comprising: display means for displaying on a screen a plurality of locations as candidates for the first location; and reception means for receiving a specification of one of the plurality of locations, wherein the location information insertion means inserts the location information into the transport stream at the one of the locations specified as the first location (col. 7, line 33 – col. 8, line 12)..

Art Unit: 2621

24. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al. (US Pat. No. 5,630,006) in view of Itoh et al. (US Pub. No. 2003/0190153).

25. Hirayama et al. teaches all the claimed limitations as stated above, except the data reproduction apparatus, wherein the transport stream information is a name of a file that stores the second transport stream in the storage medium.

However, Itoh et al. discloses the transport stream information is a name of a file that stores the second transport stream in the storage medium (pg. 2, para. 0013).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to name the file that stores the second transport stream in the storage medium, in order to provide more efficiency.

26. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al. (US Pat. No. 5,630,006) in view of Kato et al. (US Pat. No. 6,950,604).

27. Consider claim 27. Hirayama et al. discloses all the stated limitations as stated above, except a computer program on a computer-readable recording for making a data reproduction apparatus reproduce data.

However, Kato et al. teaches a computer program on a computer-readable recording for making a data reproduction apparatus reproduce data (col. 23, lines 5-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, to modify Hirayama et al. in order to allow a data reproduction apparatus to reproduce data more efficiently.

Allowable Subject Matter

28. Claims 7, 9, 16-19, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

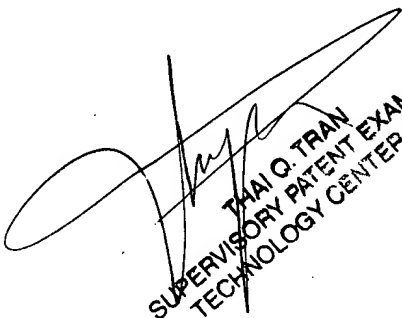
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn
October 27, 2006



THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600